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BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Foster et al.

Appln. No.: 10/617,580

Filed: July 11, 2003

For: FLEXIBLE CANNULA

Attorney Docket No: 10922/51

Examiner: Charles H. Sam

Art Unit: 3731

Mail Stop RCE
Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (37 C.F.R. § 1.114)

Sir:

Applicant(s) requests continued examination of the above-identified application under 37 C.F.R. §1.114.

☒ Submission under 37 CFR 1.114 (check at least one of the following):

☐ Previously submitted:

☐ Applicant(s) requests nonentry of any previously-filed unentered amendments.

☐ Please enter and consider the Amendment After Final Under 37 C.F.R. §1.116 previously filed on _____

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

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☐ Other: _____

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☒ Attached is/are:

☒ Supplemental Information Disclosure Statement

☒ An Amendment to the written description, claims, or drawings

☒ New Arguments and/or New Evidence in support of Patentability

☐ Other: _____

☐ Request for suspension of action:

Applicant(s) hereby request suspension of action on the above-identified application under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; requires Processing Fee under 37 C.F.R. §1.17(i)).

☐ Small Entity Status:

☐ Applicant hereby asserts entitlement to claim small entity status under 37 CFR §§ 1.9 and 1.27.

☐ A small entity statement or assertion of entitlement to claim small entity status was filed in prior application no. _____ / _____ and such status is still proper and desired.

☐ Is no longer desired.

☒ Applicant(s) calculate the following fees to be due in connection with this Request:

☒ A Request fee of \$790.00 under 37 C.F.R. §1.17(e).

☐ A suspension processing fee of \$_____ under 37 C.F.R. §1.17(i).

☐ An additional filing fee of \$_____ under 37 C.F.R. §1.16 (_____ additional independent claims and/or _____ additional total claims).

☐ An extension fee of \$_____ under 37 C.F.R. §1.17(a) for a ____-month extension of time.

☒ Fee payment to cover the above-enumerated fee(s):

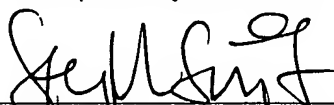
☒ Checks in the amount of \$____ (request fee) and \$____ (extension fee) are enclosed.

☒ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$790. A copy of this Request is enclosed for this purpose.

☐ A payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE). A copy of this Request is enclosed for this purpose.

Respectfully submitted,



Stephen C. Smith (Reg. No. 56,250)

12/21/2006
Date